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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

JOHN WEBER, et al.

Plaintiffs,

v.

COLLIERS INTERNATIONAL GROUP,
INC., et al.

Defendants.

**STIPULATED MOTION TO AMEND
ORDER TO PROPOSE SCHEDULE**

Case No. 2:25-cv-00162

Judge David Barlow

By and through undersigned counsel, the Parties presently represented before the Court respectfully submit this Motion to Amend Order to Propose Schedule.

RELIEF SOUGHT

The Parties respectfully request that the Court amend its Order to Propose Schedule entered by the Court on May 22, 2025, such that:

- Plaintiffs propose a schedule to Defendants in the form of a draft Attorney

Planning Meeting Report by August 25, 2025;

- The parties' rule 26(f) scheduling conference take place by September 8, 2025;
- The parties submit either a Stipulated Motion for Scheduling Order or a Motion for Scheduling Conference to the Court by September 15, 2025.

The Parties so move the Court to better serve the interests of judicial economy and efficiency by allowing Defendants to continue to file responses before discovery begins. Of the thirty-four Defendants named in the Complaint, only 10 have been formally served with the complaint. Of those who have been served, five have filed a response thus far. *See* ECF No. 40. As service attempts continue, at least some Defendants are not expected to file a response to Plaintiffs' Complaint until at least August, withholding the possibility of deadline extensions. Continuing the initial discovery deadlines in this case will allow Plaintiffs to more effectively propose a discovery schedule in this case and conserve the Court and other parties' time and attention in this matter.

RELEVANT FACTS

1. Plaintiffs' Complaint was filed on March 24, 2025. *See* ECF No. 1.
2. On April 28, 2025, Defendant Mountain West Commercial LLC was served with the Complaint. *See* ECF No. 26.
3. The Court entered an Order to Propose Schedule on May 22, 2025. *See* ECF No. 32.
4. On April 29, 2025, Defendant 13 Investments, LLC waived service of the Complaint. *See* ECF No. 16.

5. On April 29, 2025, Defendant Green Ivy Realty Inc. waived service of the Complaint. *See* ECF No. 16.
6. On April 29, 2025, Defendant Mark Machlis waived service of the Complaint. *See* ECF No. 16.
7. On April 29, 2025, Defendant Lady Mira Blue Machlis waived service of the Complaint. *See* ECF No. 16.
8. On April 30, 2025, Defendant Spencer Strong was served with the Complaint. *See* ECF No. 28.
9. On May 5, 2025, Defendant Blake McDougal waived service of the Complaint. *See* ECF No. 17.
10. On May 5, 2025, Defendant Colliers International Intermountain LLC waived service of the Complaint. *See* ECF No. 18.
11. On May 6, 2025, Defendant Spencer Taylor waived service of the Complaint. *See* ECF No. 19.
12. On May 6, 2025, Defendant Mary Street waived service of the Complaint. *See* ECF No. 25.
13. The Court entered an Order to Propose Schedule on May 22, 2025. *See* ECF No. 32.
14. On June 2, 2025, Defendant Kevin Long waived service of the Complaint. *See* ECF No. 34.
15. On June 3, 2025, the Court granted Plaintiff's Motion for Extension of Time and allowed an additional 60 days to serve the Complaint on the remaining

Defendants. ECF No. 35.

16. On June 11, 2025, Defendant Spencer Strong answered the Complaint. *See* ECF No. 36.

17. On June 20, 2025, Defendants Mark Machlis, Green Ivy Realty Inc., Lady Mira Blue Machlis, and 13 Investments, LLC responded to the Complaint with a partial motion to dismiss. *See* ECF No. 40.

18. Defendants Colliers International Group, Inc., Colliers International Holdings (USA), Inc., Millcreek Commercial Properties, LLC, Millrock Investment Fund 1, LLC, Millrock Investment Fund 1 Management, LLC, Brent Smith, Thomas Smith, Lew Cramer, Matthew Hawkings, Gil Borok, David Josker, Jerald Adam Long, KGL Real Estate Development, PLLC, Smart Cove, LLC, GTR Holdings, LLC, Long Holdings, LLC, KGL Advisors, LLC, Cams Realty, LLC, Steve Caton, Sarc Draper, LLC, Robert M. Levenson Blackacre 1031 Exchange Services, LLC, ADP-Millcreek 2, LLC, ADP-Millcreek 3, LLC, have not yet been served or waived service of the Complaint. *See* ECF No. 33.

ARGUMENT

For reasons of judicial economy and efficiency, discovery scheduling deadlines and other matters addressed in the Court's Order to Propose Schedule should be continued pending Defendant's responses to Plaintiff's Complaint.

As the Order to Propose Schedule now stands, Plaintiffs must propose a draft Attorney Planning Meeting Report to Defendants by June 25, 2025, must hold a rule 26(f) scheduling conference with Defendants by July 9, and the parties must submit either their Stipulated Motion for a Scheduling Order or a Motion for Scheduling Conference by July 16, 2025.

Thirty-four Defendants in total are named in the Complaint. At present only five Defendants (Spencer Strong, Mark Machlis, Green Ivy Realty Inc., Lady Mira Blue Machlis, and 13 Investments LLC) have responded to the Complaint. Other Defendants who have been served have yet to file answers or otherwise respond to Plaintiff's Complaint. At least some of Defendants' responses are not expected until August 23, 2025.

Plaintiffs anticipate that these yet-unfiled responses are likely to significantly shape the expected scope and duration of discovery in this matter. At present, having the response of only five Defendants, Plaintiffs are hindered in their ability to fairly appraise necessary discovery in this case, and will be until they have the responses of other Defendants. This is particularly true as some of these other Defendants, such as Kevin Long, Brent Smith, Millcreek Commercial, Millrock Investment Fund 1, Mountain West Commercial Realty, and Colliers International, were supervisors or employers of other Defendants and as such are likely to be at the center of discoverable matters and factual and legal controversies in this case. Additionally, it is anticipated that some parties may file and have already filed motions to dismiss that could further

affect the scale and direction of discovery efforts in this matter. *See* ECF No. 40. As more responses to the complaint are filed, Plaintiffs expect to be better able to adequately propose a schedule and thereby help secure the just, speedy, and inexpensive determination of this action.

CONCLUSION

In this instance, the interests of judicial economy and efficiency are best served by continuing the deadlines of initial discovery matters pending further responses from Defendants. The Stipulating Parties accordingly ask the Court to amend its Order to Propose Schedule such that:

- Plaintiffs propose a schedule to Defendants in the form of a draft Attorney Planning Meeting Report by August 25, 2025;
- The parties' rule 26(f) scheduling conference take place by September 8, 2025;
- The parties submit either a Stipulated Motion for Scheduling Order or a Motion for Scheduling Conference to the Court by September 15, 2025.

DATED this July 16, 2025.

DEISS LAW PC

/s/ Andrew D. Miller

Andrew G. Deiss

Corey Riley

Andrew D. Miller

Attorneys for Plaintiffs

DATED this July 16, 2025.

STRONG & HANNI

/s/ Stuart H. Schultz

Stuart H. Schultz

*Attorney for Mary Street & CAMS Realty,
LLC*

(with permission)

DATED this July 16, 2025.

CLYDE SNOW & SESSIONS

/s/ Katherine E. Pepin

Matthew A. Steward

Katherine E. Pepin

*Attorney for Mark Machlis, Lady Mira Blue
Machlis, Green Ivy Realty, Inc., & 13
Investments, LLC*

(with permission)

DATED this July 16, 2025.

MITCHELL BARLOW & MANSFIELD P.C.

/s/ Colby Tinney

Christopher A. Langston

Colby Tinney

J. Ryan Mitchell

Attorneys for Spencer Strong

(with permission)

DATED this July 16, 2025.

PARR BROWN GEE & LOVELESS

/s/ Rodger M. Burge

Rodger M. Burge

Attorney for Kevin Long

(with permission)

DATED this July 16, 2025.

LEWIS BRISBOIS BISGAARD & SMITH LLP

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Intermountain, LLC

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